

Serial: 200322

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**No. 2015-CA-00107-COA**

***NATHAN SINKO***

**FILED**

***Appellant***

***v.***

**AUG 05 2015**

***STATE OF MISSISSIPPI***

**OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS**

***Appellee***

**ORDER**

This matter comes before the Court on Appellant Nathan Sinko's motion to expedite his appeal of the Oktibbeha County Circuit Court's judgment denying his motion for postconviction relief (PCR), and his motion "to take judicial notice of certain public documents [that] are pertinent to" his motion for an expedited appeal. Sinko's appeal challenges the Mississippi Department of Correction's decision that he is not eligible for parole based on his guilty plea to one count of manufacturing methamphetamine. According to Sinko, his appeal should be expedited based on the cost of housing inmates whose parole eligibility may be impacted by the outcome of his appeal.

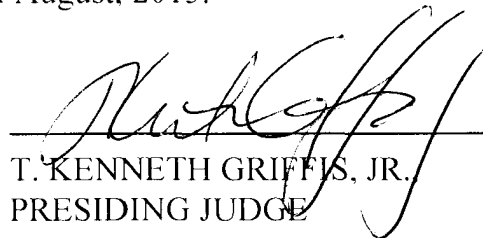
Sinko also requests that the Court take judicial notice of the following: (1) an order from the Lauderdale County Circuit Court in *Hill v. State*, 15-CV-050(W); (2) a list of more than 3,000 inmates convicted of selling a controlled substance who were paroled between January 2011 and September 2014; (3) a list of more than 800 inmates convicted of selling a controlled substance who have been deemed ineligible for parole, and; (d) a list of sixty-six inmates who were notified that they were going to be paroled and subsequently declared

ineligible for parole. The State has filed a response in opposition to both of Sinko's motions.

A PCR motion is a civil action. Miss. Code Ann. § 99-39-7 (Supp. 2014). "Except as may be provided by special order, all civil cases will be submitted in the order in which they stand on the docket." M.R.A.P. 23(a). The comment to Rule 23(a) lists the categories of cases that are statutorily entitled to preferential docketing. The only statute listed that could potentially apply is Mississippi Code Annotated section 11-3-3 (Rev. 2014), which states that "[a]ppeals from judgments against persons deprived of their liberty in cases of habeas corpus . . . shall be heard and disposed of with all convenient speed." "The writ of habeas corpus shall extend to all cases of illegal confinement or detention by which any person is deprived of his liberty . . . ." Miss. Code Ann. § 11-43-1 (Rev. 2012). However, "Mississippi prisoners have no constitutionally recognized liberty interest in parole." *Smith v. State*, 580 So. 2d 1221, 1226 (Miss. 1991). Therefore, "a request for parole . . . is not a writ of habeas corpus." *Johnson v. Miller*, 919 So. 2d 273, 277 (¶12) (Miss. Ct. App. 2005). The same logic applies to a request for parole eligibility. Accordingly, Sinko's motions are not well taken.

THEREFORE, Sinko's motion to expedite his appeal, and his motion to take judicial notice of documents that are pertinent to his motion to expedite his appeal are both denied.

SO ORDERED, this the 5<sup>th</sup> day of August, 2015.

  
T. KENNETH GRIFFIS, JR.  
PRESIDING JUDGE